

**Civil Contracts Consultative Group (CCCG)  
Minutes v1**

**17 November 2021**

Date:	Wednesday, 17 November 2021, 3pm
Where	Microsoft Teams
Chair	<b>Ellie Cronin</b> – The Law Society
Minutes	<b>Grazia Trivedi</b> – Service Development [LAA]
Present	<p><b>Anthony Evans</b> – Civil Operations [LAA]  <b>Avrom Sherr</b> – Peer Review  <b>Caroline Olaiya</b> - Corporate Relations [HMCTS]  <b>Chris Minnoch</b> – LAPG  <b>Chris Egginton</b> – HMCTS  <b>Chris Walton</b> - Shelter  <b>David McLaughlin</b> – Mental Health Lawyers Association  <b>David Phillips</b> - Service Development and Central Commissioning [LAA]  <b>Deborah McLaughlin</b> - Civil Operations [LAA]  <b>Eleanor Druker</b> – Service Development [LAA]  <b>Eve McNally</b> – Civil Applications [LAA]  <b>Helen Keith</b> - Exceptional Complex Cases Team [LAA]  <b>Ian Bickley</b> – Communications [LAA]  <b>Jane Robey</b> – Family Mediation Council  <b>Jenna Steens</b> - Exceptional Complex Cases [LAA]  <b>Jill Waring</b> – National Contract Manager [LAA]  <b>Julie Parkin</b> - Contracted Services Division [HMCTS]  <b>Karl Ford</b> – Contract Management and Assurance [LAA]  <b>Kathryn Grainger</b> - Cust Serv/Case Mgmt. [LAA]  <b>Kerry Wood</b> – Central Commissioning [LAA]  <b>Kuljinder Howells</b> – HMCTS  <b>Louise Withington</b> – Civil applications – High Cost Family [LAA]  <b>Mark Edwardes</b> - Civil and Family Stats [LAA]  <b>Najmus Madarbux</b> – Service Development [LAA]  <b>Nimrod Ben Cnaan</b> - Law Centres Network [LCN]  <b>Sarah Jayne Paddock</b> – Civil Applications [LAA]  <b>Simon Cliff</b> – The Law Society  <b>Stuart McMillan</b> - Bar Council  <b>Tom Fitzgerald</b> – Business Improvement [LAA]  <b>Tim Collieu</b> – Central Commissioning [LAA]  <b>Vicky Fewkes</b> - Housing Law Practitioner Association  <b>Vicky Ling</b> – Resolution</p>
Apologies	<p><b>Richard Miller</b> – Head of Justice [The Law Society]  <b>Bob Baker</b> – Cost Lawyers Association</p>

Chair welcomed everyone.

1. [Minutes](#) of the September meeting were approved and would be published. There was just one open action from the last meeting asking for an update on how digital housing and debt services had been performing. This would be covered during the LAA Commissioning update item 4 below.

## 2. Court Appointed Intermediary Scheme [CAIS]

J Parkin talked about the scheme, which had been developed to address concerns about sourcing suitable intermediaries at court and said that a lot of market engagement had been done to support the work.

J Parkin explained that currently in the family and civil areas the legal representative made an application to the court for a client to be referred for an assessment towards an intermediary service; the judge would then make a decision as to whether or not an assessment could be undertaken and the process would commence depending on that decision. If the client was a Litigator In Person [LIP] and the court recognised that an intermediary might be needed, or if the LIP flagged their support needs to the court, then an approved intermediary would be commissioned to undertake an assessment and provide follow up support if required.

V Fewkes welcomed the introduction of the scheme. J Parkin agreed to circulate the slides presentation **Action 1 [Nov]** and requested the rep bodies to ask for their members' views on the use of intermediaries.

She pointed out that use of intermediaries was promoted within HMCTS and an action plan had recently been published as part of the offer to assist/support vulnerable service users: [HMCTS Vulnerability Action Plan - GOV.UK \(www.gov.uk\)](#) .

She said it would be made clear that the specific role of an intermediary was to provide a specialist service for service users who needed communication assistance. J Parkin agreed to engage with rep bodies when putting together the training material. **Action 2 [Nov]**

David McLaughlin said that even though every client in the Mental Health category of law could potentially qualify for the scheme he had never come across the intermediary service and asked whether the scheme would be available to Mental Health tribunal cases and if so what the costs implications would be. J Parkin said that discussions were taking place with various tribunals, including mental health, to raise awareness about the scheme, but said that the decision on whether or not intermediary services would be required would remain a judicial decision.

## 3. LAA Contract Management and Assurance update

K Ford talked about the key points in the report that had been shared before the meeting. There were a couple of temporary Area Contract Management [ACM] vacancies in Leeds and Liverpool/Manchester which would be shortly be filled. K Ford would resend the report with the names of the two new ACMs. **Action 3 [Nov]**

N Ben Cnaan asked how many providers had taken advantage of the temporary standards. J Waring said that the latest reviews indicated that across crime and civil around 75% of providers had been able to fully comply with the contract for office requirements and 25% had relied on temporary standards. Around 65% had been able to fully comply with the supervision requirements with the

remainder having to rely on temporary standards. **Action 4 [Nov]** J Waring to share the exact figures.

#### **4. LAA Commissioning update.**

T Collieu talked about the main points in the commissioning report that was shared before the meeting. Six civil providers had withdrawn since September however this didn't always mean loss of service as providers sometimes joined together and continued to practice under a different name or in a different way.

However, the LAA continued to see a loss of housing providers and re-tenders were planned in areas where there was no service for both Housing face to face and Housing Possession services.

In response to queries relating to the cancellation of the tender for Detained Duty Advice Scheme (DDAS) Contract Work at the Derwentside Immigration Removal Centre (IRC), E Druker said that the LAA were seeking a steer from ministers in relation to detention advice in the future in view of the changes to the contract that had introduced advice in prisons, plus the IRC Detained Asylum Casework and Detained Duty Advice Services schemes, and the Nationality and Borders bill which would introduce a new Seven Hours advice. Contingency arrangements had been in place before the Derwentside tender and these would last until the end of December involving existing providers and remote advice. These arrangements would be kept under review. The LAA would be trying to understand the reasons why there had been insufficient compliant tenders that met the minimum requirements.

K Wood had taken an action in September to produce information on how the new digital contracts had been performing. Unfortunately, the information available was limited and indicated very low take-up but no conclusions could be drawn from this as it is too early in the process and could be down to reporting errors. It had been difficult to obtain information from some of the providers and she asked rep bodies to encourage their members to engage with the LAA and give as much detail as possible so that a clear picture could be construed. The initial trend suggested that organisations with well-defined arrangements with partner organizations seemed to be more successful. K Wood would continue to update CCCG and it was agreed that this would be a standing item on the agenda for the next few months.

There were no further updates on the retendering of the 2018 Standard Civil Contract. E Druker said that most of the contract workshops had been completed: Family, Family Mediation, Housing, Immigration and Mental Health as well as a range of internal workshops. E Druker had circulated a summary of the main points discussed at the Mental health workshop but wasn't sure whether it would be possible to do the same for the others; she asked rep bodies for feedback following the workshops by 30 November **Action 5 [Nov]**.

In relation to workshops in the other smaller categories, the LAA lead, Jake Kraft, was considering inviting views and comments from rep bodies by email. N Ben Cnaan said that a workshop in the Discrimination category would be more appropriate than an exchange by email.

#### **LAA Civil Operations update**

**Civil applications.** S J Paddock, Louise Withington and T Fitzgerald talked about the main points in the slide pack.

### Post meeting note:

High Cost Family Case Feedback tool - [High Cost Family Case Feedback - BETA version \(google.com\)](#)  
We are aware this is a lengthy form to complete and are working on revising it to make it quicker and easier for providers. When changes are made, the link to the form will not change, so please continue to use this same link.

High Cost Family Fixer service – email address [HighCostFamilyFixer@justice.gov.uk](mailto:HighCostFamilyFixer@justice.gov.uk) and link to the guidance; [Civil Fixer Guidance \(justice.gov.uk\)](#)

Civil Applications fixer service – email address [ApplicationFixer@justice.gov.uk](mailto:ApplicationFixer@justice.gov.uk) and a link to the guidance; [Civil Fixer Guidance \(justice.gov.uk\)](#)

Please find attached the slide which details hints and tips for submitting Legal Merits applications.

Any ideas for future development of the slide pack, please contact Sarah Paddock for anything Legal or Means-related, and Louise for anything concerning High Cost Family.

**Civil billing** A Evans talked about the main points in the slide pack. The team were going to start contacting providers that had used the contingency process introduced at the start of the Covid pandemic, which allowed providers to claim 100% Payment on Account [POA] for paper claims they were unable to send. The LAA had received 1200 claims from 500 providers and these could now be paid.

A training flyer had been circulated before the meeting listing the new interactive training modules for solicitors and counsel that the team had put in place, and rep bodies were asked to promote these to their members **Action 6 [Nov]**

## **5. LAA Exceptional and Complex Cases Team [ECCT] update**

### **Parliamentary and Health Service Ombudsman [PHSO] recommendations**

H Keith said that the LAA were on track to complete their investigation and to report by the 15<sup>th</sup> December. The PHSO report related to decisions made by the immigration team in March to June 2017 on applications by three clients; two of these cases, which were emergency applications, were the most delayed and were refused. The LAA investigation was focused on a) processing of emergency applications and b) identifying, picking up and turning around the appeal process in relation to emergency decisions.

- *Processing times.* H Keith said that the volume of intakes had remained stable; a comparison analysis of a 6 months period in 2017, 2019 and 2021 showed an intake of 1,100 emergency applications where ECCT made the actual decision. The average time taken had dropped from 9.4 days in 2017 to 3.9 days in 2021. The team were focusing on the outliers that were having an impact on processing times.
- *Internal reviews.* Volumes fluctuated between 100 and 175 reviews over a six months period and the average time taken had dropped from 16 days to 6. There was scope for improving on this and recommendations would be made.

H Keith invited rep bodies to get in touch with any comments/suggestions in relation to the above by 30<sup>th</sup> November; she would update CCCG at the January meeting. **Action 7 [Nov]**

The PHSO also recommended that the internal guidance on the backdating regulations directed at caseworkers to ensure consistency of approach in relation to decision making, be reviewed in the same timeframe, by 15<sup>th</sup> December. E Druker would share the guidance with rep bodies so that they could provide feedback by the 30<sup>th</sup> November. **Action 8 [Nov]**

N Ben Cnaan said that the investigation was a welcome, useful and constructive step in the right direction. LCN members had been interested in the PHSO report because it related to their own experiences and many of them had been in touch to express their views. The report corroborated historical grievances and underlined the results of the LAPG survey of legal aid practitioners.

He suggested that the LAA report back the results of their investigation to all legal aid practitioners to show that the LAA was working hard to improve their systems. C Minnoch said that over the past two years a number of work strands had captured these issues and others and the LAA had responded by being more open/transparent, by sharing more data and being less defensive. He agreed that the LAA ought to inform Legal aid practitioners about all the work they had done over the past 2 years to improve their systems/processes, to be more accountable/transparent, to make more resources available to practitioners. This would help to rebuild a relationship of trust.

I Bickley said that the LAA comms team was planning to do just that and asked rep bodies to contact him to express their views and to share information to help identify priorities.

#### **Exceptional Cases Funding [ECF] inquest means testing removal.**

H Keith expected this to be introduced in mid-January; this was an accelerated measure whereby if the LAA made an ECF determination for inquest representation there would be no means testing. The existing process in relation to legal help and the thresholds for legal help would not be changed and any further consideration of means testing for legal help would fall into the main Means Test Review consultation in 2022. This was only for ECF advocacy applications and any associated legal help that was not in place at the point that an ECF determination was made. CCMS wouldn't be amended to switch off the means test for the specified date in January, so ECCT would have to introduce a process of applying very similar to the legal help waiver of the legal help limits process, by email with a new form. Comms would be sent out closer to the time.

Jenna Steens talked through the main points in the operational pack relating to ECCT.

#### **Housing Possession Court Duty Scheme [HPCDS]: outstanding review hearings**

E Druker said that discussions were continuing about possession hearings and how they would be dealt with in the future; as part of the HMCTS recovery they were looking at whether any possession work would move.

The judiciary had a range of views about the usefulness of review hearings but agreed that early advice was helpful. MoJ had indicated that they would consult soon on changes to HPCDS and the LAA had been involved in those discussions. It was agreed that a separate meeting would be arranged to discuss HPCDS. **Action 9 [Nov]**

### **6. Contract changes introduced on 1 November regarding remote supervision and remote client access**

J Waring said that the Temporary Covid Standards [TCS] had been further extended to mid-January and the website would be updated shortly; the table of TCS had also been updated to reflect the

contract changes of 1 November. Providers whose circumstances had changed recently or had special arrangements in place and needed help should contact their contract manager. J Waring asked rep bodies to let her know whether anything on the page was unclear or missing. C Minnoch said that some providers had been confused about the temporary arrangements ending [originally] on 31 October and changes to the contract from 1 November; they thought that the latter superseded the former. The online update was useful, but it would have been helpful if the LAA could have sent out communications to make clear that TCS and new contract clauses were two different things.

D Phillips said that it would be helpful if rep bodies gave a little more context when asking for agenda items so that the LAA would be able to offer a more substantive discussion. J Waring added that the group might feel that some matters could be dealt with by email rather than waiting for the meeting.

## 7. AOB

### Replacement of means eligibility calculator

E Druker said that this was work in progress and added that this might be an example of something that could be dealt with by email.

E Cronin said that their members needed to see that issues and matters that were important to them and had an impact on their work were raised in this forum and that discussions be recorded in the minutes.

### Fixed recoverable costs - data on current costs claims in housing disrepair cases

E Druker had requested the data from the Management Information [MI] team and would share as soon as it was available. **Action 10 [Nov]**

### Update on extension of the £25K cost limit for Wardship, Abduction and Inherent Jurisdiction

E Druker said that the Process Efficiency Team [PET] were looking at the impact of increasing costs extensions in these areas as well as in Housing. PET had been collecting data from the MI team particularly on Housing and Mental Health cases which were to be prioritised. These would be discussed at the following PET meeting on 14 December.

Actions from this meeting			
AP1 [Nov]	Email the slides presentation	J Parkin	<b>Closed-22/11/21</b>
AP2 [Nov]	Engage with rep bodies when developing the Court Appointed Intermediary Scheme [CAIS] training material.	J Perkin	ongoing
AP3 [Nov]	Resend the Contract Management and Assurance report updated with the names of the two new ACMs in Leeds and Liverpool/Manchester	K Ford	<b>Closed-23/11/21</b>

AP4 [Nov]	Update CCCG on the number of providers that had used the temporary standards	J Waring	Closed - 30 Nov
AP5 [Nov]	Sen feedback to El Druker following the workshops on the future civil contract	Rep bodies	30 Nov
AP6 [Nov]	Promote the new interactive training modules for solicitors and counsel to members.	Rep bodies	30 Nov
AP7 [Nov]	Update CCCG at the next meeting on PHSO report	H Keith	19 Jan '22
AP 8 [Nov]	Share Backdating guidance with rep bodies so that they can feedback by 30 <sup>th</sup> Nov.	E Druker	<b>Closed 23/11</b>
AP9 [Nov]	Arrange a separate meeting to discuss HPCDS	E Druker	Closed 26/11
AP 10 [Nov]	Share data on current costs claims in housing disrepair cases	E Druker	As soon as it becomes available